

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT
for the
Off-Highway Vehicle Road Travel Access Project

USDA - Forest Service
Chippewa National Forest

I. INTRODUCTION

This document describes the decision I have made regarding off-highway vehicle travel on the Chippewa National Forest. This document also describes my reasons for the decision, and finding that an environmental impact statement is not needed. This finding is in accordance with the National Environmental Policy Act, other laws, regulations and policies. This decision and finding are based on my knowledge of the Chippewa National Forest road system, my review of the Off-Highway Vehicle Road Travel Access Project Environmental Assessment, the Biological Evaluation, the project record, the 2005 Travel Management Access Rule; and the 2004 Chippewa National Forest Land and Resource Management Plan (Forest Plan).

There are two parts to the decision. The first is a non-significant amendment to the Forest Plan that changes the wording of an existing guideline. The change would allow off highway vehicles (ORVs) to be used on higher developed forest roads if a review and analysis indicates compatibility with the land and people. The second decision is to designate specific existing Forest Service system roads as appropriate for ORV use.

Why Here and Why Now?

Much has changed since the Chippewa National Forest (CNF) was first established almost 100 years ago. Not the least of which are the great variety of recreation experiences expected by forest visitors. Last year the Chippewa National Forest received over 900,000 visitors looking for a diversity of motorized and non-motorized experiences. Providing for the long-term sustainability of the Chippewa National Forest is essential to maintaining the quality of the recreation experience for all users. Over the past ten years, there has been a dramatic increase in ORV use coupled with advances in motor vehicle technology. This growth is prompting us to take a closer look at the management of motorized recreation so we can continue to provide opportunities desired by the public, while sustaining the Chippewa's lands and resources.

Along with the use of ORVs on the Chippewa, the Forest Plan informs me that management actions are needed in order to move the existing condition of ORV riding on the Chippewa towards the Forest Plan goals, objectives and desired conditions. These include identifying and maintaining a road and trail system that provides opportunities for people to access the Forest; providing a variety of forest settings for people to use; enhancing social and economic benefits for individuals and communities; and contribute to efforts to sustain the American Indian way of life, cultural integrity, social cohesion, and economic well-being.

The purpose of this project has been to identify designated roads for off highway vehicle use on the CNF in concert with the goals and objectives outlined in the Forest Plan. It is also intended to comply with the 2005 Travel Management Rule that requires a designated route system for motor vehicle use by vehicle class and if appropriate, by time of year. One of the issues complicating management is that this decision will address only ORVs, not highway licensed vehicles. While the process and decision will provide a coordinated and thoughtful approach to the management of ORVs across the Chippewa National Forest it is not, at present, fully integrated with the management of regular passenger vehicle (cars, SUVs, pickup trucks) traffic. This is a challenge that we recognize and will work to correct in future local land management decisions.

The purpose of this project is also to identify an amendment to the 2004 Chippewa National Forest Plan that changes an existing guideline to one that recognizes that use of ORVs on higher standard roads may be acceptable, given site specific analysis and decisions.

The Chippewa NF boundary encompasses the Leech Lake Band of Ojibwe (LLBO) Reservation and other Minnesota, County, and private land ownerships. Within the proclaimed boundary of the Chippewa National Forest only 42% of the land is actually national forest. Within the boundary of the Forest there are 2,524 miles of Forest Service roads and many miles of State and County roads.

The intermingled ownership and roads contributes greatly to the complexity of ORV management because of different laws, mandates, policy and management amongst public land management agencies and other land owners. The Minnesota Department of Natural Resources (MN DNR) continues to work to meet legislative expectations for ORV management decisions on State Forests within the CNF. Counties are also working to determine their ORV policies, and the LLBO is updating and revising their all terrain and off road recreational vehicle code. This in concert with the intermingled patchwork of lands results in a designation and regulatory system that, for the common rider, is confusing at best. Through continued inter-governmental coordination and cooperation we hope that projects like this will result in a more user friendly and easily understood management of motorized routes across all public lands.

There has been keen public interest in ORV management on public lands. To respond to that interest and the intermingled ownership, the Forest Service along with the MN DNR; Itasca, Cass and Beltrami Counties; the LLBO DRM and associated townships have worked together to plan for ORV riding opportunities, including jointly reviewing road condition inventories; hosting public workshops and informational newsletters; signing; law enforcement, and visitor information. The jointly hosted eight public workshops were held beginning in January 2006 and ending in October 2006. These public workshops were held in communities across the area of the Chippewa National Forest. During the workshops, people talked about using ORVs on specific roads, and the about the effects of ORV use on communities, individuals, and the land.

Elements Contributing to the Project:

There is existing information that has contributed to this decision that is relevant to the environmental assessment process. The following is an explanation of some of that information.

Operational Maintenance Levels: National Forest roads are categorized by the operational maintenance level of development (OML) that indicates the standard level of development necessary for the type of vehicle using the road. There are five operational maintenance levels for Forest Service system roads. OML 1 is the least level of development, and closed to motorized traffic. OML 2 roads are the vast majority of roads on the CNF and they are not

maintained for highway licensed passenger vehicles. OML 3, 4, and 5 roads are increasingly better maintained, with OML 5 roads being bituminous surfaced roads that can accommodate highway licensed passenger vehicles.

Road Closures: Some roads are currently closed to ORVs and/or highway licensed vehicle use for a variety of reasons. These reasons also apply to many of the roads closed to ORVs in my final decision. Reasons for closures include Forest Service policy, natural resource concerns and social issues described as follows:

- **OML 1 Forest Service System Roads:** OML 1 roads, the lowest standard of developed roads, are considered by policy (FSH 7709.58) to be closed to all vehicle traffic. These roads are not maintained for any vehicle use.
- **Right of Way:** Some FS system roads cross private lands. On some of these roads FS jurisdiction may not be fully verified.
- **Previously Designated Closures:** Prior decisions involving past management projects that the CNF has done may have closed and/or decommissioned roads. These past decisions are supported in the ORV decision.
- **Resource Protection:** Resource protection includes recognition of wetlands; sensitive resource conditions; or soil erosion conditions. Some roads have been closed that could least accommodate ORV use given resource conditions. Many of these roads would require significant realignment, re-routing, reconstruction, ditching, and other major improvements to meet guidelines established for road maintenance and user safety or to protect other resources.
- **Forest Plan Management Area or Recreational Facility Protection:** Some roads have been closed as part of Forest Plan direction or have regulatory issues within or directly adjacent to semi-primitive non-motorized management areas, research natural areas, and unique areas as identified within the Forest Plan, hunter walking trails and the North Country National Scenic Trail.
- **Threatened, Endangered, Sensitive Species:** Habitat of a variety of threatened, endangered, or sensitive species has been inventoried and roads that affect this habitat have been designated as closed in accordance with the species recommendation in the Forest Plan.

Mixed Use Analysis: A mixed use analysis is an in-depth consideration of user safety on higher standard developed Forest Service system roads that may combine both highway licensed vehicle use (cars and trucks) and ORV use. A mixed use analysis is a requirement of the 2005 Travel Management Rule prior to any designation of mixed use on an OML 3, 4 or 5 roads. The OML 3, 4, and 5 roads are the roads with the highest level of development, generally suited for passenger vehicle use.

The CNF mixed use analysis was conducted by a qualified engineer and those findings were taken into consideration within this decision when designating roads open to ORV travel. Generally, these higher developed roads are important to this project because they provide the longer distance, connection opportunities for ORV users.

Forest Road Signing: Forest Roads are identified and signed with a number at their main intersection with other roads. Vertical road signs are used for OML 1 and 2 roads. Horizontal road signs are used for higher standard OML 3-5 roads.

Clarification of the Extent of the Project and Decision:

I understand that the extent of the project has not been clear for some people. I will describe actions this decision does not address for further information. Following are many items not included within this project:

- The use of highway licensed vehicles, such as passenger cars, on Forest Service system roads will not change. However, transportation planning is an ongoing process of CNF management as specific road management projects and other land management projects are considered against the goals and objectives of the Forest Plan.
- Cross Country Travel Restrictions: Cross-country travel off the designated system of roads and trails is not allowed.
- Inventoried Routes Requiring Substantial Capital Improvements: Many of the routes in the forest inventory would require significant realignment, re-routing, reconstruction, ditching, and other major improvements to meet guidelines established for road maintenance and user safety or to protect other resources. I will defer designation of routes that would require a significant capital improvement to meet standards at this point in time. I look forward to continuing discussions and involvement with public stakeholders on these projects in the future.
- Construction of New Trail Routes, Loops, or Connectors. The addition of new designated motorized trails will be analyzed in the future and will include public stakeholders' involvement.
- Construction of Trailheads, Parking Areas, Bridges, Toilets, and Other Facilities: Construction of new facilities will not be considered at this time.
- Routes Crossing Private or other Land Management Agency Land: The Forest Service does not have the authority to designate routes across non-federal ownership. Routes in which the Forest Service does not have a right of way will not be considered for designation.
- Non-motorized Trail Designations: Mountain biking, equestrian, hiking or other non-motorized trail designations are outside the scope of this project.
- Pre-existing Environmental Assessment Decisions: Routes within the inventory that were designated as open or closed in previous decisions will not be re-evaluated; the original NEPA decision will be considered still valid.
- Snowmobile Use - Snowmobile use is outside the extent or scope of the project.
- Routes To and From Private Land – Forest Service system roads identified in the inventory that solely provide access to private land will not be considered for designation in the Chippewa NF System. Such routes are considered and permitted under separate authorities and regulations for special use permits.

Where Is the Project Available for Review?

The Off-Highway Vehicle Road Travel Access Project is available for public review at the Forest Supervisors Office:

200 Ash Ave.
Cass Lake, MN 56633
218-335-8600

A copy of this document is also available upon request at the address and telephone number above. The project is also posted on www.fs.fed.us/r9/forests/chippewa/projects.

II. PURPOSE AND NEED FOR ACTION

The purpose of this project is to identify Chippewa National Forest system roads that are appropriate for ORV use. An additional purpose of this project is also to determine if a non-significant amendment to the 2004 CNF Forest Plan forest guideline, G-ORV-1, is appropriate. This assessment is needed to consider how the CNF can respond to the goals and objectives outlined in the 2004 CNF Forest Plan, the national 2005 Travel Management Rule, and the trend indicating increasing ORV use within the area of the Chippewa National Forest.

CNF Forest Plan Direction and 2005 Travel Management Rule:

Management actions are needed to move how ORVs are now used on the CNF toward the goals, objectives, and desired conditions of the Forest Plan and to meet the requirements of the national 2005 Travel Management Rule.

The Travel Management Rule requires the CNF and every National Forest and Grassland to:

- Designate those roads, trails, and areas that are open to motor vehicle use by class of vehicle and if appropriate, time of year.
- Identify on a motor vehicle use map designated roads, trails, and areas for motor vehicle access.
- Involve the public and coordinate with state and local government agencies in travel access planning.
- Prohibit motor vehicle use off the designated road and trail system or if inconsistent with the designations.

The CNF Forest Land and Management Plan direction includes moving the existing condition of the Forest towards goals and objectives. Goals (Forest Plan, page 2-5) include providing for:

- A variety of Forest uses, values, products and services for present and future generations within the capability of sustainable ecosystems;
- Enhancing social and economic benefits for individuals and communities;
- Emphasizing a variety of forest settings that provide for a spectrum of social opportunities and benefits for people;
- Maintain a road and trail system that provides opportunities for people to access the CNF;
- Contribute to efforts to sustain the American Indian way of life, cultural integrity, social cohesion and economic well-being.

Forest Plan desired conditions include clearly defining and providing road and trail riding opportunities while protecting natural resources. Forest Plan objectives include the expectation that CNF roads will be identified as appropriate or inappropriate for ORV use. There are a number of standards and guidelines that apply to ORV use on the CNF. Standards 1 – 4 and Guidelines 1, 3 and 4 describe ORV use on the CNF. The use of unclassified roads or traveling cross country is prohibited. Generally travel on OML 3, 4, and 5 roads or in the ditches and shoulders of roads is generally prohibited. Roads will be effectively closed if through site specific analysis resource and social concerns exist that cannot be mitigated. (Forest Plan pages 2- 42, 43)

Non-Motorized Use and Off-Highway Motor Vehicle Use of the CNF:

This project considers how the CNF can provide a balance of recreation opportunities, natural resource protection, and traditional Tribal access with increased ORV use and changes in law, regulation, and policy.

There is both legal and illegal use of ORVs in the CNF. Legal ORV use is restricted to operating ORVs only on designated Forest Service system roads. Not all roads are currently open to ORV use. Cross-country travel with ORVs has been illegal on the CNF since the 1984 CNF Forest Plan was approved and the subsequent Forest Road Closure Order signed. However, illegal cross country use occurs in many areas on the CNF. Some people will drive ORVs, usually all-terrain vehicles, beyond the end of forest roads into the woods; they create trails with ATVs into non-roaded, forested areas, and will ride on non-motorized trails. An element of this project is an attempt to address the illegal use through designation of roads for ORV use and active public engagement.

In Minnesota, ORV registrations have increased from approximately 9,204 in 1994 to 222,594 in 2004 (Minnesota Department of Natural Resources 2005 ORV Study, page 33). Correspondingly, there has been ongoing and an increasing demand for ORV riding opportunities on National Forest land. Please see the following web site for additional information from the State of Minnesota on trends in ORV registration and recreation use.

www.fs.fed.us/r9/forests/chippewa/projects. Designation of legal motorized routes is necessary to address the increased ORV use.

Many Forest users prefer non-motorized, quiet recreation experiences. There are non-motorized trails and larger land areas in the Chippewa National Forest that only allow non-motorized activities such as hiking, horseback riding, or mountain biking. An element of this project is to address the needs of all CNF recreational users that are under increasing recreation pressure from motorized vehicle use.

Designation of legal motorized routes on the CNF is also necessary to protect natural resources under increasing recreation pressure from both legal and illegal motorized vehicle use. ORVs can affect soil and water resources in a number of ways. On the routes themselves, compaction, rutting, and erosion of soils can result in increased runoff and deposition of eroded material into lakes, streams, and/or wetlands. Excess runoff and sediment can impact water quality, channel stability, aquatic habitat, and wetland vegetative conditions. Compaction and rutting on routes in wetlands can disrupt wetland hydrology and thereby impact wetland vegetation and habitat. ORV riding also affects wildlife, fish, and rare plant resources. Motorized vehicle traffic can cause a visual or audible disturbance to some species of wildlife. If this occurs during a critical breeding time, it may cause nest or territory abandonment and lead to decreased reproduction success.

Increased densities of packed snow trails can reduce the competitive advantage of species like the Canada lynx, by allowing other predators that are not as adapted for deep snow conditions to access suitable lynx habitat and compete for prey species. Increased levels of access to the Forest can also facilitate the illegal killing of wildlife species.

III. DECISION

I have given careful consideration to the resources affected by the proposal and have read and considered the effects discussed in the Environmental Assessment, and the Biological Evaluations. I have listened to and understood the public discourse that has resulted from this proposal including those responses received during the 30-day comment periods which was extended an additional 30 days. I also considered the existing Forest Plan, guidance provided by law, regulation and policy; and consultations with District and Forest specialists and the USDI Fish & Wildlife Service. This project is planned under the regulation at 36CFR 219.35 (2000) and the Interpretative Rule of September 29, 2004. As required by 36 CFR 219.35, I have considered the best available science in making this decision. I have reviewed the project record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

I have decided to implement Alternative 2 Modified that includes selected actions from Alternatives 1-4 of the Draft Environmental Assessment. A map of Alternative 2 Modified can be viewed or printed at the following web site address: www.fs.fed.us/r9/forests/chippewa/projects. These actions are within the scope of the analysis and do not change the intent or the effects of the project.

Roads Designated for ORV Use: Preferred Alternative Decision:

I am selecting Alternative 2 Modified to actively move toward the desired condition in the 2004 Forest Plan and to comply with the 2005 Travel Management Rule, to better meet the identified purpose and need of the project, to better address the key issues identified during scoping, and to incorporate input from the public and other agencies. Alternative 2 Modified represents components of each alternative, and so it too presents an interdisciplinary, public involvement-based, ORV travel management outcome.

Alternative 2 Modified complies with the Forest Plan objectives, standards, and guidelines relative to threatened and endangered species, Regional Forester sensitive species, management indicator species, management indicator habitats, non-native invasive species, and other species of interest, and aquatic communities on National Forest Land.

Alternative 2 Modified differs from the Alternative 2 described in the environmental assessment in the following ways:

- Additional roads are closed based on their proximity to the Suomi and Trout Lake Semi-Primitive Non-motorized Areas, the North Country National Scenic Trail and some designated hunter-walking trail systems.
- More roads are open to provide for greater opportunities to ride longer distances on inter connected roads.

- As a result of updated road condition inventories some additional roads were either opened or closed based on the new information.

I recognize that there is a difference in how ORVs and highway licensed vehicles are used and therefore, some roads may be open to highway licensed vehicles while closed to ORVs. Many of the roads that are closed to ORV use while remaining open to highway licensed vehicles will be considered in future project specific analysis to determine if they should be closed to all motorized use.

The intended level of maintenance for a road is termed the Objective Maintenance Level (OML). OMLs are divided into five levels of maintenance intensity. OML 1 is the lowest level of maintenance and is closed to public use; OML 5 is the highest level of maintenance.

In Alternative 2 Modified, no OML 5 roads are open to ORV use based on safety concerns related to mixing highway licensed vehicles and ORVs on highly developed roads. Some OML 3 and 4 roads are only open for mixed use (highway-licensed and ORVs) based on the information provided in the Mixed-Use Analysis. The majority of OML 2 roads remain open for ORV use with exceptions due to seasonal restrictions and road conditions. OML 1 roads are closed to motor vehicle use consistent with Forest Service policy (FSH 7709.58) and the existing Forest Road Closure Order.

Alternative 2 Modified designates only existing, selected Forest Service system roads for ORV use. With this decision, there will be 1,486 miles (59%) of Forest Service system roads open for ORV use. There are 1,038 miles of system roads closed to ORV use. As a result of previous site specific analysis and decisions there are 110 miles of roads that remain closed seasonally to ORV use to protect threatened, endangered, and sensitive species; or other resource considerations. Prior to this decision there were 1,530 miles (61%) of Forest Service system roads open for ORV use. Please see Appendix A, Roads Open or Closed for ORV Travel, for the complete list of roads.

Alternative 2 Modified can be characterized in general in that it closes a number of OML 2 roads and opens a number of OML 3 and 4 roads. Most OML 2 roads were closed due to resource and management concerns. OML 3 and 4 roads were open to ORV use based on the Mixed Use Analysis which considered the safety concerns related to allowing ORV use on higher standard roads and to provide greater connectivity of ORV travel routes.

Alternative 2 Modified includes Forest Service system road connections and loops between local communities and locations within the CNF that provide for longer ORV riding opportunities. There is also access to specific areas of the Forest on roads that bring the rider in and out on the same road. Forest Service system roads that are not gated or otherwise closed, continue to be open to highway-licensed vehicles during hunting seasons. There are no roads specifically opened for ORV access only during hunting season.

Alternative 2 Modified is the alternative that will be implemented by this decision. The following table displays Alternative 1 (the existing condition) and Alternative 2 Modified (the preferred alternative) miles of CNF system roads by road OML open and closed to ORV use.

Table 1 : Miles of CNF Roads Open and Closed to ORV Use*:

| OML Road | Alternative 1: Existing Condition | | Alternative 2 Modified: Preferred Alternative | |
|----------|-----------------------------------|--------------|---|--------------|
| | Open Miles | Closed Miles | Open Miles | Closed Miles |
| OML 1 | 0 | 382 | 0 | 377 |
| OML 2 | 1530 | 147 | 1214** | 477 |
| OML 3 | 0 | 183 | 107 | 76 |
| OML 4 | 0 | 252 | 165 | 81 |
| OML 5 | 0 | 34 | 0 | 27 |
| TOTAL | 1530 | 998 | 1486 | 1038 |

*NOTE: Some minor corrections in road mileage is a result of field verifications of road inventories over the course of the project analysis.

* * 110 miles of roads are closed seasonally for threatened, endangered or sensitive species habitat protection.

Mitigation Measures Specific to the Project:

The following mitigation measures will be used to address specific concerns identified in the environmental analysis. Some of these measures have been standard practices on the forest in the past.

- 1) Roads that travel through sensitive soil types on the CNF will be closed to motorized vehicles over 1,000 pounds to protect natural resources and the road infrastructure.
- 2) Roads that travel through threatened, endangered, or sensitive species habitat areas requiring limited access will be closed during times specified within the Forest Plan to that species.
- 3) All roads open to ORVs will be closed to ORV use from March 15 to May 1 to improve enforceability and provide protection of the road bed.
- 4) Road number identification signs will correlate with identification numbers on the Motorized Vehicle Use map. Installation of all new road identification signs is scheduled for completion by the end of 2007.

As a Part of My Decision I Will Also Commit To:

- *Motor Vehicle Use Map (MVUM):* The CNF will have available to the public a map in January 2008 that will indicate roads that can best accommodate ORV use. The roads designated on this map will be the only Forest Service roads where ORV use will be allowed. The map will be updated annually incorporating information from the public and changes in resource conditions.
- *Public Awareness:* Successful implementation of this project includes public awareness of the ORV access opportunities on the CNF. Public awareness will be enhanced in a number of ways. I intend that the Forest Service will continue to work closely with other agencies (DNR, LLBO, County and Township governments) to let people know where they can ride their ORVs within the CNF boundary. Field contacts by Forest Service

employees, including our law enforcement officers, will increase public awareness of ORV designations through field contacts with users.

- *Road closures:* I have reviewed the effectiveness of road closures in the Chippewa and Superior National Forests, as described in the CNF FY 2007 Road Closure Report and also the Superior NF Monitoring Report 2006. A number of closure techniques were evaluated for road closure effectiveness. Gates, rock berms and/or boulders, and natural vegetative closures have been identified as the most successful in preventing illegal ORV use. I have also reviewed the “Sustaining Minnesota Forest Resources; Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers: Maintaining and Closing Forest Roads, June 2005”, for effective road closure techniques. The CNF will utilize the most effective road closure methods as indicated through these studies as well as ongoing monitoring analysis. Some road closures will be done in the near future while others will be implemented as part of future projects. These have been identified and included in previous or in upcoming decisions.
- *Law Enforcement Collaboration:* Forest Service law enforcement officials will continue to work with state, county and Tribal law enforcement personnel to provide for effective enforcement of regulations and laws and also public education and information.
- *Monitoring:* Legal and illegal ORV use will continue to be monitored as part of our ongoing Forest Plan monitoring program. Information obtained through this monitoring will be used in subsequent decisions regarding ORV use of Forest System roads.

CNF Forest Plan Amendment Decision:

I have decided to implement a non-significant amendment to the CNF Land and Resource Management Plan (Forest Plan). The wording of the existing G-ORV-1 guideline:

- (Existing): G-ORV-1 ORV use is generally prohibited on OML 3, 4, and 5 roads

Will be changed to the following G-ORV-1 guideline:

- (New): G-ORV-1 ORV use is prohibited on OML 3, 4, and 5 roads, except where they have been designated as open for ORV use through site-specific analysis.

IV. RATIONALE FOR DECISION

The following information outlines issues and concerns I considered, including my rationale behind the decision. There is separate rationale for both the designation of roads for ORV use and for the 2004 CNF Forest Plan amendment. I have also included examples of public comments.

Rationale for Roads Designated for ORV Use:

As the variety and number of motorized vehicles increases on NF roads appropriate management of roads for these vehicles is increasingly important to protect the land, provide opportunities for all users, and to maintain the integrity of areas designated for non-motorized recreation experiences.

The CNF has and will continue to provide an abundance of motorized experiences. Over 85% of the lands that comprise the CNF are within ¼ mile of a road. Almost 60% of these roads are open

to ORV/ATV use. Even more are open to traditional highway licensed vehicles. When considering the spectrum of recreation opportunities on the CNF, 96% of the forest provides a motorized recreation experience (FP reference).

Selecting an alternative was not easy. As I evaluated the alternatives I looked to find an alternative that would continue to protect the land, provide safe and quality riding opportunities, trend toward consistent National Forest road management for all motorized uses, and protect the integrity of trails and spaces designated for non-motorized uses and recreation experiences.

My decision to select Alternative 2 Modified can be characterized in general in that it closes a number of OML 2 roads and opens a number of OML 3 and 4 roads. The rationale behind closing OML 2 roads generally was due to resource and management concerns. OML 3 and 4 roads were open to ORV use to provide inter-connecting links and longer riding opportunities in response to public input and the outcome of the Mixed Use Analysis which considered the safety concerns related to allowing ORV use on higher standard roads.

Within the environmental analysis there were a number of issues identified that were important to consider when analyzing the effects of alternative ways of meeting the purpose and need. Specific indicators for these issues were identified to assist in measuring the differences between alternative effects. These important indicators, as identified within the analysis and during the public comment on the draft environmental assessment, were considered in my final decision. In addition to those indicators there are also key elements, pertinent to developing the preferred alternative that also were considered in making my final decision. These elements were identified from the public comments submitted during the comment period for the draft environmental assessment. The following rationale speaks to each of these indicators and key elements in defining why I have chosen Alternative 2 Modified.

Providing Connections to Communities and Longer ORV Riding Opportunities: The opportunity to provide links between roads and opportunities for long rides for ORV travel was evaluated in the environmental assessment. Many of the roads that connect communities and places of interest are higher-level development Forest Service system roads. These roads are the OML 3 and 4 roads. Alternative 2 Modified provides quality opportunities to link communities, some businesses, and longer riding opportunities for ORV travel.

Enforceability and Illegal ORV Use: Many people submitted comments to the draft environmental assessment regarding their concerns for illegal ORV use (ORV use off of designated routes) and the corresponding ability of Chippewa Forest staff, and other law enforcement officials, to enforce regulations. I have considered these comments and the potential risk to the natural environment due to illegal or unauthorized use and the many on-going efforts made by Chippewa Forest staff and Law Enforcement officials to work with motorized vehicle users to gain their support and compliance with Forest travel management policies. I have selected Alternative 2 Modified because it provides consistent year-round ORV use on roads throughout the year and enhances public understanding of the regulations.

Seasonal Access: FS law enforcement officials expressed to me that their field observations and number of citations issued lead them to conclude that the vast majority of illegal use occurs in the fall and spring months. While there is ORV use in the spring related to activities such as leech trapping, mushroom picking etc., they have observed that the primary spring user seems to be recreational riders in groups. Judging by the number of violations given and the muddy condition of many of the vehicles law enforcement officials have observed, I believe that some riders may be seeking, or otherwise experiencing, “mudding opportunities.” I am concerned about potential resource damage during the spring break-up season and I do not believe that recreational ORV “mudding opportunities” are an appropriate use of Forest Service lands. I have chosen

Alternative 2 Modified to reduce the effects to the natural resources of illegal use by closing roads otherwise open to ORVs during March 15 to May 1, generally the same time as when roads are also closed due to weight restrictions.

I have also decided to not open additional roads to ORV use during the fall hunting season. My decision is based on feedback from law enforcement personnel that changing designation of open/closed roads for ORV use during the fall hunting season would make enforcing road closures more difficult and ineffective. Hunters will continue to have access with highway licensed vehicles on those roads that are open to such use.

Recreation Access with Motorized Vehicles: Many forest users that engage in motorized recreation have said that having less miles open for motorized recreation (or different roads available) may change the location or way they have recreated on the forest in the past. Many people from the non-motorized recreation community (and others) have expressed that they would prefer even less motorized use on the forest than I have chosen to implement in Alternative 2 Modified. The CNF has a high concentration of roads, with over 85% of the Forest within .25 miles of a road. Of the total road miles on the CNF, 59% are available for ORV travel in Alternative 2 Modified. I have chosen Alternative 2 modified as the best alternative to enhance both motorized and non-motorized recreation opportunities on the CNF.

Duplication of Roads: The duplication of recreation opportunities to get from one point to another via somewhat parallel roads was evaluated. At this time, much of the duplication occurs with county roads that parallel Forest Service system roads. County roads are not open to ATV use within the CNF boundary. Therefore, some existing Forest Service system roads that parallel county roads will be designated as open to ORV use to provide travel corridors and key linkages for ORV riders.

Protection of Natural Resources, including Non-Native Invasive Species (NNIS); Threatened, Endangered and Sensitive Species; and Heritage Sites: I have considered in detail those risks associated with the potential for increasing the spread of NNIS along higher traffic OML 3, 4 and 5 roads and the potential reduction in the spread of NNIS to the “interior” of the forest due to having less miles of OML 2 roads open for public motorized use.

My decision to select Alternative 2 Modified reflects a trade off in values between potential environmental and social outcomes to which I have given much thought. The implementation of this decision and subsequent use of roads by ORVs will be monitored per Forest Plan requirements. The ongoing monitoring information will be a useful tool for future decisions. Currently a NNIS Environmental Assessment (EA) is being developed which will identify high priority areas for treatment of NNIS infestations. We are working in partnership with the MNDNR, MN Department of Transportation and the LLBO to continue to identify and treat areas of infestation.

The US Department of Interior, Fish and Wildlife Service “concurred with the determination in the Biological Assessment that concludes the access may affect but will not likely adversely affect the bald eagle.” Additionally, they “concur with the determination in the BA that the ORV Access Project may affect but will not likely adversely affect the Canada lynx.” (July 2, 2007 letter from USDI Fish and Wildlife Service, Tony Sullins, Field Supervisor). Since consultation, the bald eagle has been de-listed but mitigations measures remain relevant.

The Forest Service has determined that “Section 106 is not required for the ORV EA at this time as there does not appear to be an undertaking that has the potential to affect an historic property. None of the proposed alternatives require new construction or ground disturbance; only existing

travel corridors will be used, none of which will cause affect to National Register eligible archeological or historic sites. Traditional cultural properties have not been identified that may be affected by ORV access, however, additional scoping and consultation should be continued in order to identify currently unknown properties.”

Protection of the Recreation Experiences Associated with Non-Motorized Trails and Semi-Primitive Areas: Limiting ORV access immediately adjacent to designated semi-primitive non-motorized areas, (Suomi and Trout Lake) was taken into consideration to address potential illegal use into the areas. The North Country Trail (NCT), a national recreation-hiking trail, corridor is also heavily used by ORVs in certain areas. I have limited the designation of existing roads open to ORV use adjacent to the NCT and Suomi and Trout Lake semi-primitive non-motorized areas to reduce opportunities that may lead to illegal ORV use within these areas. The North Winnie semi-primitive non-motorized area will be somewhat different as it has arterial roads that are open to ORV travel immediately adjacent to the area. These roads were identified as important connectors for ORV travel. Spur roads will be closed to motorized use within North Winnie.

Annual Operations and Maintenance Funding for Roads: The anticipated cost to maintain designated ORV roads within the annual maintenance program is not expected to exceed the range of figures analyzed within the Draft Environmental Assessment. Costs of operations and maintenance will continue to be monitored (per the Forest Plan) as ORV use occurs on the roads and may create additional expenses. Pursuit of funding options through partnerships to meet operations and maintenance needs as a result of ORV use will be an on-going action item.

Minor Changes Between Draft and Final Off-Highway Vehicle Road Travel Access Project EA: Further inventory revealed in all Alternatives that minor administrative road changed conditions and subsequently, changes to the CNF Forest System road inventory needed to be made. Examples of these changes included findings such as identifying correct road ownership and road decommissions that reflect recent Forest Service Environmental Assessment project decision notices.

Mixed Use Analysis: The Mixed-Use Analysis identified roads where mixed use would not be appropriate due to high risk factors and subsequent mitigation requirements that would be financially unreasonable. The information provided in the Mixed-Use Analysis will be incorporated into opportunities for ORV travel in Alternative 2 Modified.

Summary: I felt that Alternative 2 Modified best meets the purpose and need for action and responds best to the issue indicators. One of the strengths of this alternative is that it increases the connections to communities and provides longer ORV riding opportunities without further complicating road management with opening additional roads during the fall hunting season. Without fall hunting season openings this alternative does not further complicate our road management efforts which are currently being impacted by declining budgets and workforces. Additionally, by not having the seasonal closures this alternative would not further compromise our law enforcement efforts. Alternative 2 Modified also better responds to protecting the integrity of the few non-motorized features on the CNF like the North Country Trail and the semi-primitive non-motorized areas. An important issue raised by the public was the concern that increased ORV use in the CNF would contribute to the spread of invasive plants such as spotted knapweed. Because some of the of the shorter interior roads will be closed to ORV use, Alternative 2 Modified will likely reduce the potential for the introduction and spread of invasive species by ORV use.

Rationale for Forest Plan Non-Significant Amendment:

Forest Plan Non-Significant Amendment: The Off-Highway Vehicle Road Travel Access Project Environmental Assessment has disclosed with site-specific analysis the effects of amending the existing Forest Plan guideline. This decision has been made based on public input regarding the importance of inter-connecting roads for longer ORV travel. I feel amending the guideline to “ORV use is prohibited on OML 3, 4, 5 roads, except where they have been designated as open for ORV use through site-specific analysis”, more clearly conveys our intent to make site specific decisions to work towards Forest Plan goals and objectives.

Leech Lake Band of Ojibwe Interests:

Leech Lake Band of Ojibwe: The Leech Lake Band of Ojibwe Chairman and representatives of Local Indian Councils (LICs) have voiced a number of comments about ORV travel and access within the CNF. These concerns included specific roads and whether they should be open or closed to ORV travel; the safety of ORV riders; ensuring effective law enforcement; and if the Forest Service has the jurisdiction to enforce ORV regulations for Band members.

There are similar desires within the Leech Lake Band of Ojibwe and the Chippewa NF to be good stewards of the land and to preserve the natural resources that we share. The Forest Service believes that management of ORV use through a designated road and trail system policy will address the increasing impacts from unmanaged use.

It is our intention to work closely with the Band in coordinating the implementation of our ORV policy. We believe there are a number of areas that we can work together to our mutual benefit through cooperation including identifying potential ATV trails, rehabilitation of past impacts and enforcement.

Environmental Justice:

In accordance with Executive Order (EO) 12898 – Federal actions to address Environmental Justice in Minority Populations and Low Income Populations direction, the decision to implement Alternative 2 Modified would not result in a disproportionately high and adverse human health or environmental effects regarding ORV use for minority or low income populations on the CNF. The LLBO DRM or LICs have not indicated that any of the alternatives would have negative effects on the consumption of subsistence fish or wildlife.

Alternative 2 modified would continue to provide access using CNF system roads to meet the needs of minority and low-income populations in Beltrami, Cass, Itasca Counties, and LLBO Reservation. In accordance with EO direction, indirectly, none of the alternatives would result in a disproportionately high and adverse human health or environmental effects regarding ORV use for minority and low-income populations on the CNF. The LLBO DRM, THPO, or LICs Tribal organizations have not indicated that any of the alternatives would have negative effects on the consumption of subsistence fish or wildlife.

Consideration of Public Comments:

There is extensive debate over the management of ORV use on the Chippewa National Forest. There was a very wide range of comments, general and specific, from advocating no use of ORVs any where on the Forest to supporting opportunities to ride wherever one may want to go on the Forest. Many people also offered their opinion on which Alternative to choose based on their experiences and values.

All comments were read and fully considered, there was no weight given to the number of comments supporting or opposing a particular alternative. The following are excerpts of comments received that reflect the variety of offer opinions about which alternative to choose.

“Alternative 1 – this is the worst alternative of all. Virtually all arterial roads under this alternative are closed, this plan would eliminate any chance to recreation from point A to point B and return. Under this alternative recreation riders would have zero opportunities.”

“We should note that Alternative 2, the “preferred alternative,” will displace the majority of us who wish to find peace and quiet in the forest. Hunters, hikers, berry-pickers and birdwatchers will be driven from the woods by a noisy and environmentally destructive minority.

“Prefer Alternative 3 because among the four alternatives it comes closest to addressing some of the needs on the Forest for reduction – in theory – of the pervasive influence of ORVs on the Chippewa National Forest, and thus comes closest to satisfying the Project purpose and need, as well as direction in the Forest Plan.”

“I believe alternative #4 is the best as it would allow a system of trails to be organized so that ORV riders would have a legal place to ride and would then stay out of and off of places they should not be riding upon. It would also offer temporary additional access for hunters during the hunting season(s).”

There were many other comments that addressed the full range of issues associated with ORV use and many of these were considered as the issues and alternatives were developed within the environmental assessment process. Many comments were from people concerned about illegal use – people traveling off designated ORV roads and trails – and the subsequent ability to provide effective law enforcement. Some people believe that illegal use causes severe negative consequences to the environment and recreational settings. Many people offered opinions on the effects of ORV riding on natural resources including wetlands, forest soil conditions, forest vegetation, threatened and endangered species, and the spread of non-native invasive species. People also commented on positive opportunities for recreational riding on roads that link places that are far apart and provide longer riding opportunities and short spur roads; and about using ORVs for hunting, bear baiting, and being able to get to a specific location while on their ORVs. People also commented about negative conflicts between hunters using ATVs and those that walk. Conflicts were also identified between visitors to non-motorized trails and areas who encounter people using ORVs. There were also comments about economic benefits of ORVs opportunities; forest road conditions; rider safety; and responding to public demand for both motorized and non-motorized opportunities.

There were many more comments received and all these can be reviewed within the project record and the attached Response to Comments.

V. PUBLIC PARTICIPATION

Opportunities for the public to provide comments regarding this proposed project were made available through the processes explained below. Using comments from the public, other agencies, the Leech Lake Band of Ojibwe (LLBO) and LLBO Division of Resource Management, LLBO Local Indian Councils, and Forest Service internal management concerns, the interdisciplinary team developed the key issues to analyze in the environmental assessment. For additional information regarding the issues and alternatives for the project, please see the following link: www.fs.fed.us/r9/forests/chippewa/projects

Cooperative Partnerships:

The Chippewa NF (CNF) worked closely with the MN Department of Natural Resources (MN DNR); Cass, Itasca and Beltrami Counties; Leech Lake Department of Resource Management (LLBO DRM); and associated townships to identify opportunities to ride ORVs on Forest Service system roads within the CNF boundary. The MN DNR is working to meet legislative expectations for ORV management decisions on State Forests. Counties are also working to determine their ORV policies.

Cooperative Process to Date Includes:

- Established an ORV Planning Process Committee with County Commissioner representatives, MN DNR Regional Commissioners, County Land Commissioners, Chippewa NF Forest Supervisor, Leech Lake Band of Ojibwe Department of Resource Management representatives, and management agency staff.
- Completed inventories of all roads on public lands within the CNF boundary.
- Cooperating agencies and LLBO hosted eight public meetings in Remer, Deer River, Marcell, Bemidji, Walker and Cass Lake.
- Received and documented public written and verbal comments
- Published news releases and mailed newsletters to interested people
- Conducted presentations to County Commissioners
- Established Cooperative Working Teams to address ORV signing; law enforcement and education; and visitor ORV information and mapping

Public Participation:

- Many people are interested in ORV riding opportunities. To respond to that interest, the Forest Service along with the Minnesota Department of Natural Resources (MN DNR); Itasca, Cass and Beltrami Counties; and the Leech Lake Band of Ojibwe, Division of Natural Resources (LLBO DRM) jointly hosted five public workshops held in communities across the Forest area in January 2006 prior to beginning the formal NEPA process. During these workshops, comments on specific roads regarding ORV use on National Forest system roads were solicited.
- In October 2006 during the formal NEPA process, there were three public workshops held in communities associated with the CNF and hosted by the Forest Service and the MN DNR; Cass, Itasca and Beltrami Counties. These workshops were held to discuss both the Forest Service and the MNDNR proposed actions related to ORV use on federal and state roads and lands and update people on the Counties ORV process.
- This project was described in the *Chippewa National Forest Quarterly Schedule of Proposed Actions* beginning with the October 1, 2006 edition.
- Letters outlining the proposed project and requesting comments (scoping letter) were sent to approximately 300 individuals and groups on September 19, 2006.
- The draft Off-Highway Vehicle Road Travel Access Project Environmental Assessment was mailed out to approximately 534 individuals and groups between April 13 and 19th, 2007.
- An ad was published in the *Bemidji Pioneer* on April 18, 2007 requesting comments on the draft environmental assessment for the Off-Highway Vehicle Road Travel Access Project.

- The Draft Off-Highway Vehicle Road Travel Access Project EA has also been available to the public on the CNF website at: www.fs.fed.us/r9/forests/chippewa/projects
- Additional opportunity to comment was provided due to the complexity of the map information. This ad was published in the *Bemidji Pioneer* on May 22, 2007 requesting comments on the draft environmental assessment. Letters were sent to the scoping mailing list and also to those people that had subsequently contacted the Forest during the initial scoping period. The environmental assessment for this project was made available for a 30-day public review and comment from May 22, 2007 through June 21, 2007. It was sent to approximately 534 people who either commented during the initial scoping period or requested a copy. One hundred-five responses were received. The original comments received are located in the project file; a summary of those comments and the responses to them is a part of the Decision Notice package.

Leech Lake Band of Ojibwe:

As part of the public involvement process, CNF District employees have made personal contacts with the Leech Lake Band of Ojibwe Division of Resource Management (LLBO DRM) and 11 Local Indian Councils (LICs). The LIC meetings were attended one to two times by Forest staff between December 2006 and April 2007 to present the proposal and listen to people's feedback. Information from the LICs was used to develop the alternatives in the environmental assessment. For additional information, please see the following link: www.fs.fed.us/r9/forests/chippewa/projects

Other Agencies and Governments:

Comments on the scoping package were solicited from the US Fish and Wildlife Service; The MN DNR; and Cass, Itasca and Beltrami Counties; and Minnesota and Federal legislators. These contacts were made during and after the scoping period to help identify and clarify issues.

VI. OTHER ALTERNATIVES CONSIDERED

Alternative methods of achieving the purpose and need for this project were developed using issues raised during public meetings held in conjunction with the MN Department of Natural Resources, Cass, Itasca and Beltrami Counties and the Leech Lake Band of Ojibwe and other public comments. Those Alternatives, along with information on tradeoffs and preliminary environmental effects were mailed to interested and affected persons for scoping and comment in the fall of 2006. The alternatives, key issues influencing the development of alternatives to the proposed action and comparison of the alternatives are described in the Draft Environmental Assessment Off-Highway Vehicle Road Use and associated documents as found at this website www.fs.fed.us/r9/forests/chippewa/projects.

Based on comments received from comments received on the draft environmental assessment, Alternative 2 Modified was developed for consideration. This alternative's effects are within the range of the alternative's effects analyzed within the environmental assessment. The following discussion explains why the environmental assessment alternatives were not selected.

Alternative 1 (No Action) Rationale for Non-Selection

The no-action alternative is required by the National Environmental Policy Act. This alternative provides a baseline upon which to compare the effects of the action alternatives. Under this alternative, 36 CFR Part 212 Sec. 50(b) authorizes the responsible official to incorporate previous

administrative decisions regarding travel management made under other authorities, including designations and prohibitions of motor vehicle use. These previous designations and prohibitions are the existing baseline condition and can be designated without a new decision if no changes are proposed.

For the CNF Off-Highway Vehicle Road Travel Access Project, the baseline condition for route designation is the current designations and prohibitions for public motor vehicle use on CNF roads as outlined in the goals (Forest Plan, pages 2–4), objectives (Forest Plan O-ORV-1, page 2–42), and desired conditions (Forest Plan, D-ORV-1, page 2–42) of the 2004 Chippewa Forest Land and Resource Management Plan.

A substantial review of all FS roads was completed during the initial interagency ORV route designation process. All roads were discussed concerning possible jurisdiction errors. Each OML 2 road was also reviewed for past decisions, locations to sensitive areas, and appropriateness of adding ORV use. Many attributes in the corporate database were updated during the review process, and some were made after a field review to determine specific inconsistencies. Updates to road maintenance level designations in the database were made to more accurately reflect on-the-ground conditions and were administrative only. No maintenance activity or physical on-the-ground change occurred to make the corrections accurate.

I did not select Alternative 1 because it did not fully meet the purpose and need of the project. More specifically:

- The No Action alternative does not address the over 250 percent increase in ORV registrations in the State of Minnesota and associated increased demand for riding opportunities on NF land. The increase in use and requests from the motorized community for loops and connecting routes must be considered while working to meet the desired future condition as outlined in the CNF Forest Plan.
- Designation of available motorized routes on the CNF is needed to protect natural resources under increasing recreation pressure from motorized vehicle use. The No Action Alternative does not adequately protect natural resources and address the risk of spreading Non-native Invasive Species (NNIS) through the interior of the forest due to ORV use along OML 2 roads.
- There were no opportunities identified that provided for linking communities and longer riding on OML 3, 4, or 5 roads.
- Actions through the designation of roads that may limit the potential for illegal access into the semi-primitive areas of Trout Lake, Suomi and North Winnie the non-motorized North Country Trail were not included in this alternative.
- Actions through the closure of short dead end road spurs that may limit the potential for illegal access into the Forest were not specifically included in this alternative.

Alternative 2 Proposed Action Rationale for Non-Selection:

Alternative 2 represents an interdisciplinary, public involvement-based ORV travel management solution for the CNF. The Forest Service System roads were analyzed against a series of resource data layers within a geographic information system. These roads were discussed with other land management agencies, including the MN DNR; Cass, Beltrami, and Itasca Counties; and townships with roads crossing the CNF. The alternative was also presented at three public workshops and at 11 LIC meetings.

I did not select Alternative 2 because:

- A mixed-use analysis was a concurrent process and the final mixed use analysis outcome was used to inform this final decision. The inclusion of OML 3, 4, 5 roads must be based on the Mixed Use Analysis.
- Actions through the designation of roads that may limit the potential for illegal access into the semi-primitive areas of Trout Lake, Suomi and North Winnie the non-motorized North Country Trail were not included in this alternative.
- Actions through the closure of short dead end road spurs that may limit the potential for illegal access into the Forest were not specifically included in this alternative.

Alternative 3 Rationale For Non-Selection:

Alternative 3 considers meeting the purpose and need of the project through emphasizing resource protection, the ability for forest visitors to experience solitude, and environmental protection values. This alternative provides access on OML 3, 4, 5 roads with the intent of restricting ORV access to protect resources along lower-standard OML 2 roads. Buffers around non-motorized trails and semi-primitive areas are considered.

I did not select Alternative 3 because:

- A mixed-use analysis was a concurrent process and the final mixed use analysis outcome was used to inform this final decision. The inclusion of OML 3, 4, 5 roads must be based on the Mixed Use Analysis.
- While Alternative 3 would move the CNF more closely toward Forest Plan outcomes in terms of responding to protecting natural resources; the more limited miles of existing forest system roads open to ORV use does not respond to the increase in ORV use, and requests from the motorized community for loops and connecting routes.

Alternative 4 Rationale for Non-Selection:

Alternative 4 responded to values expressed by the public for increased loops, connections between roads open to ORV use and longer day riding opportunities. Increased access during hunting season is addressed in this alternative through designating additional roads open to ORV use seasonally (mid-September to December 31) specifically for hunter access on the CNF. The Environmental Justice analysis of potential impacts to Tribal and low income populations is explored in this alternative through providing roads to areas identified as important to traditional hunting and gathering practices.

I did not select Alternative 4 because:

- A mixed-use analysis was a concurrent process and the final mixed use analysis outcome was used to inform this final decision. The inclusion of OML 3, 4, 5 roads must be based on the Mixed Use Analysis.
- The designation of additional roads open to ORV use seasonally (mid-September to December 31) specifically for hunter access does not adequately protect natural resources during the fall when law enforcement personnel observe illegal use occurring at a high rate. Roads continue to be open for hunting access via highway-licensed vehicles.

Forest Plan: Maintain the 2004 Forest Plan Existing Guideline ORV-G-1, Rationale for Non-Selection:

I did not select to retain the existing Forest Plan guideline “ORV-G-1: ORV use is generally prohibited on OML 3, 4, and 5 roads”. Dependant on the outcome of a mixed use analysis, some roads have been found to be safe for the concurrent use of ORVs and highway licensed vehicles. These roads provide the opportunity for ORV riders to travel longer distances and provide the link between communities for riders and meet the purpose and need of the project proposal.

VII. FINDING OF NO SIGNIFICANT IMPACT (FONSI)

A. Context

This decision is consistent with the activities implemented by the Chippewa National Forest, which lead toward achieving the goals, objectives and requirements in the Forest Plan identified for the management areas within the project area (Forest Plan, Chapter 2 and 3), while meeting the purpose and need of the EA. This project is tiered to the Forest Plan, and all of the expected impacts from this project are consistent with the expected impacts disclosed in the Final Environmental Impact Statement for the Forest Plan.

B. Intensity

I have determined the following with regard to the intensity of the project. Bold items are directly from 40 CFR 1508.27):

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes the effect will be beneficial. The beneficial effects of the action do not bias my finding of no significant environmental effects. Impacts associated with my decision are discussed in Chapter 3 of the EA. The environmental assessment provides sufficient information to determine that this project will not have a significant impact (beneficial or adverse) on the land and its natural resources, air quality, or water quality (EA pages 12 - 24).

2. The degree to which the proposed action affects public health or safety. The Forest Service considers potential impacts to public health from the proposed action to be limited to road safety issues. Therefore, potential impacts to public health and safety will be considered as part of the mixed-use analysis (highway legal vehicles and ORVs traveling along the same roadway). After considering the Mixed Use Analysis Report prepared by a Qualified Engineer, I conclude that implementing the chosen alternative with mitigation measures would not significantly affect public health or safety. (Off-Highway Vehicle Road Travel Access Project EA, Issue 7 Environmental Justice and miles designated open in traditional Tribal hunting and gathering areas; page 21)

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. The CNF includes many unique and beautiful characteristics. A geographic information system (GIS) program and analysis that included forest data regarding wetlands, Research Natural Areas, Semi-Primitive Non-Motorized Areas, and other unique characteristics was used to develop the Proposed Action and subsequent Alternatives to ensure that the unique and precious geographic areas of the CNF were considered in designating routes open for motorized vehicle use. In addition, each resource specialist conducted a thorough analysis of the potential environmental consequences from implementing each Alternative and provided me with a conclusion of compliance with the laws, regulations and other requirements that the CNF follows to

insure the protection of these unique areas. I conclude that the selected alternative will not have a significant effect on unique characteristics and geographic place on the Chippewa Forest.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. I recognize the tremendous sense of loss that many motorized users may feel from my decision to implement Alternative 2 Modified. Many forest users that engage in motorized recreation expressed that having less miles open for motorized recreation (or different roads available) may change the location or way they have recreated on the forest in the past. Many people from the non-motorized recreation community (and others) have expressed that they would prefer even less motorized use on the forest than I have chosen to implement in Alternative 2 Modified. So while it is true that I recognize the emotions people may be experiencing due to the change in forest travel management policy, it also true that a sense of loss or differing opinions do not indicate scientific controversy over the effects to the human environment. Therefore, I do not believe that implementation of Alternative 2 Modified would result in effects to the human environment that are scientifically controversial or significant.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. As stated previously, the Forest Service considers potential impacts to public health from the proposed action to be limited to road safety issues. Therefore, potential impacts to public health and safety were considered in the Forest mixed-use analysis (highway legal vehicles and ORVs traveling along the same roadway). After considering the Mixed Use Analysis Report, and the systematic process developed by the Forest Service Washington Office and used by the Forest Qualified Engineer, I do not believe the potential impacts to the human environment are highly uncertain or involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. Travel management and the use of motorized vehicles are well-established recreation management and use on the Chippewa National Forest and the designation of routes available for public motorized use does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. The Chippewa National Forest Land and Resource Management Plan sets objectives, standards, and guidelines regarding motorized use on the CNF and the environmental consequences of implementing Alternative 2 Modified are consistent with, and within the scope of, of the Forest Plan.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts. I have reviewed the impacts of those past, present, and reasonably foreseeable actions described in the Environmental Effects Section of the EA (located at this web site: www.fs.fed.us/r9/forests/chippewa/projects) and find that this action will not have a significant cumulative impact on the environment. I have also considered travel management planning underway with the State of Minnesota, Tribal Governments, and surrounding County and Local governments. There would be no significant cumulative effects as a result of this project beyond those discussed in the Chippewa National Forest Land and Resource Management Plan.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. For heritage resources, there is not an undertaking with this project because no new trails or roads will be built. Therefore, a Section 106 is not required. Based on this information, I conclude that this action will not cause loss or destruction of significant scientific, cultural, or historical resources

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. Based on the information disclosed in the EA, the Biological Evaluations, and the subsequent Biological Opinion issued by the US Fish and Wildlife Service, no adverse effects are anticipated as a result of implementing this decision. The US Fish and Wildlife Service also concurred with the Biological Evaluation determinations that the project may affect, but will not likely adversely affect, the federally threatened bald eagle, gray wolf, or Canada lynx. A letter of concurrence from the US Fish and Wildlife Service was received and dated July 2, 2007. The gray wolf and bald eagle have since been delisted.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The environmental consequences to Alternative 2 Modified for the CNF Off-Highway Vehicle Road Travel Access Project meets the requirements of the 2005 Travel Management Rule (including 36 CFR 212, 251, 261, and 295); the Chippewa Forest Plan standards and guidelines; the intent of Executive Orders 11644 and 12898; and other laws, regulations and other requirements to which the Forest subscribes related to the project.

Alternative 2 Modified complies with the Forest Plan objectives, standards, and guidelines relative to threatened and endangered species (TES), Regional Forester sensitive species (RFSS), management indicator species (MIS), management indicator habitats (MIH), non-native invasive species (NNIS), other species of interest, and aquatic communities on National Forest land. This conclusion is derived from the biological assessment of threatened, endangered, and proposed species, and the biological evaluation of RFSS. Both of these detailed source documents are available to the public and can be found in the project record.

Specifically regarding NNIS, the 2004 Forest Plan includes an expectation of monitoring at a frequency of one to five years the extent that the Forest management is contributing or responding to populations of terrestrial or aquatic non-native species that threaten native ecosystems. Additionally, the CNF is developing an environmental assessment that addresses treating NNIS infestations across the forest.

FINDING

I received several letters from the public that requested that the Forest conduct an environmental impact statement for ORV route designation. The number of roads or miles of higher level road open to ATV traffic is not a criteria of significance for determination of the need for an Environmental Impact Statement. The environmental consequences or effects of ORV travel on designated roads are what I, as the Deciding Official, must consider in determining the need for an Environmental Impact Statement (EIS). Based on the context, scope, and intensity of the environmental effects documented in the EA and project file, on my experience with similar projects, and factors in 40 CFR 1508.27, I have determined that the project does not constitute a major Federal action that will significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not needed.

VIII. OTHER FINDINGS REQUIRED BY LAW

The selected alternative will not have significant impacts on air and water quality, wetlands, soil resources, threatened and endangered species, or cultural resources. Therefore, this decision is in compliance with the Clean Air Act, the Clean Water Act, the Endangered Species Act, and the National Historic Preservation Act. It is consistent with the Executive Orders for Wetlands (11990), Floodplains (11988), Migratory Birds (13186), and Environmental Justice (12898) (EA and Biological Evaluations at the following site: www.fs.fed.us/r9/forests/chippewa/projects).

IX. APPEAL RIGHTS

This decision is subject to administrative review (appeal) pursuant to 36 CFR 215.7 dated June 4, 2003. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer. An appeal may be filed by individuals or organizations who have submitted comments or expressed interest during the 30-day notice and comment period for the Off-Highway Vehicle Road Travel Access Project. The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

To appeal this decision, a written Notice of Appeal must be postmarked or received within 45 calendar days after the date of publication of the legal notice for this decision in Bemidji's *Pioneer* (Bemidji, MN). However, when the 45-day filing period would end on a Saturday, Sunday, or Federal holiday, then filing time is extended to the end of the next Federal working day. The publication date of the legal notice is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source. At a minimum, an appeal must include information as specified in 36 CFR 215.14. The Notice of Appeal should contain a subject line "Off-Highway Vehicle Road Travel Access Project."

Written Notice of Appeal on the project must be delivered (via mail or by hand) to: USDA, Forest Service, Eastern Regional Office; ATTN: Appeals Deciding Officer: Regional Forester; 626 E. Wisconsin Avenue; Suite 700; Milwaukee, Wisconsin 53202. The office business hours for those submitting hand-delivered appeals are: 7:30 am-4:00 pm, Monday through Friday, excluding holidays. The Notice of Appeal may alternatively be faxed to: 414-944-3963; Attn: Appeals Deciding Officer: Regional Forester, USDA Forest Service; Eastern Regional Office. The Notice of Appeal may be submitted electronically to: appeals-eastern-regional-office@fs.fed.us, Attn: Appeals Deciding Officer: Regional Forester; USDA Forest Service;

Eastern Regional Office. Electronic appeals must be submitted in plain text (.txt), rich text format (.rtf), Word (.doc), PDF or other Microsoft Office-compatible formats.

It is the appellant's responsibility to provide sufficient project-specific or activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed. At a minimum, an appeal must include information as specified in 36 CFR 215.14(b).

It is the responsibility of interested parties to respond within the established time period. No means of communication is perfect. Please contact our 'for further information' address if a document is not available or delivered at the expected time, to ascertain its availability, and if necessary, arrange an alternate delivery method.

X. IMPLEMENTATION OF DECISION

If no appeal is received, implementation of this decision may occur on, but not before, five (5) business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for fifteen (15) business days following the date of appeal disposition. Implementation means conducting ground disturbing actions. Field project preparation work may proceed (monitoring, etc.).

XI. CONTACT

The Off-Highway Vehicle Road Travel Access Project is available for public review at the Forest Supervisors Office:

200 Ash Ave.
Cass Lake, MN 56633
218-335-8600

It is also on the Chippewa National Forest website www.fs.fed.us/r9/forests/chippewa/projects

For additional information concerning this decision or the Forest Service appeal process, contact the Forest Supervisor, Robert M. Harper (218-335-8600); or Ann Long Voelkner, Team Leader, at 218-335-8616 or e-mail at alongvoelkner@fs.fed.us

/s/ Robert M. Harper 11/15/2007

Robert M. Harper
Forest Supervisor

Date

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